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7 Attorneys for Plaintiff  
 SINHDARELLA, INC.  
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 10 UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

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 12 SINHDARELLA, INC., a California  
 corporation,  
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Plaintiff,

14  
 15 v.  
 16 KEVIN VU, an individual, d/b/a/ THE  
 BOILING CRAB; and DOES 1 through 10,  
 17

Defendants.

18 CASE NO. C 07-04353 WHA  
 Honorable William H. Alsup

**DECLARATION OF GIANG NGUYEN IN  
 SUPPORT OF PLAINTIFF SINHDARELLA,  
 INC.'S MOTION FOR PRELIMINARY  
 INJUNCTION**

Date: February 7, 2008  
 Time: 8:00 a.m.  
 Courtroom: 9

## **DECLARATION OF GIANG NGUYEN**

I, Giang Nguyen, hereby declare under penalty of perjury that:

1. I am a friend and business associate of Sinh Nguyen and Dada Ngo.
  2. On or about July 2005, Sinh Nguyen told me that he wanted to open a THE BOILING CRAB restaurant in San Jose, California, and I began discussing with Sinh the possibility of operating the San Jose location.
  3. On or about the end of June 2006, I registered with Loopnet.com, a commercial real estate listing service, to search for potential properties for a San Jose THE BOILING CRAB restaurant.
  4. In September 2006, I resigned from my job and went to San Jose to evaluate potential locations for a THE BOILING CRAB restaurant, which had been identified by Sinh Nguyen during his last trip to San Jose in August 2006.
  5. In October 2006, I returned to San Jose with Sinh Nguyen to evaluate more potential locations for a THE BOILING CRAB restaurant.
  6. In December, I began working with a realtor named Carol Jong. After several phone calls and emails concerning finding a suitable location, I decided to relocate from Texas to San Jose to more aggressively search for a location for a THE BOILING CRAB restaurant. From December 2006 until February 2007, I rented a room from Tim Tran in San Jose and searched for a suitable location to open a THE BOILING CRAB restaurant. During that time I worked with a number of real estate brokers: Sofia Fong, Farley Gouner, Mark Biagini, Todd Oliver, and Steve Zimmerman.
  7. Attached hereto as Exhibit A is a true and correct copy of an email that I sent to Dada Ngo regarding a potential location for a San Jose THE BOILING CRAB restaurant.
  8. After being unable to find a suitable location to lease by February, I decided to move back to Texas and open a THE BOILING CRAB restaurant in Dallas, Texas.
  9. In February 2007, I visited and took pictures of a restaurant operating at 343 N. Capitol Avenue, San Jose, CA under the name "The Boiling Crab." Attached hereto as Exhibit B is a true and correct copy of a photograph I took that fairly and accurately represents the

1 exterior of that restaurant at that time in February 2007. Attached hereto as Exhibit C is a  
2 true and correct copy of a photograph I took that fairly and accurately represents an  
3 interior wall of that restaurant at that time in February 2007. Attached hereto as Exhibit  
4 D is a true and correct copy of a menu used in that restaurant at that time in February  
5 2007.

6 I declare under penalty of perjury of the laws of the United States that the  
7 foregoing is true and correct.

8 Executed this 18 day of December, 2007 at Arlington, Texas.

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10 Giang Nguyen  
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# EXHIBIT A

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[Printable View](#)**Date:** Sat, 27 Jan 2007 09:23:42 -0800 (PST)**From:**  "giang nguyen" <thenewgen@yahoo.com>  Add to Address Book  Add Mobile Alert  
Yahoo! DomainKeys has confirmed that this message was sent by yahoo.com. Learn more**Subject:** future boilingcrab#3 @san jose**To:** theboilingcrab@yahoo.com

the restaurant is about 5 mile from story rd asian area...its right at the san jose airport southwest corner

sorry not 10 miles

gb

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Food fight? Enjoy some healthy debate  
in the Yahoo! Answers Food & Drink Q&A.  
<http://answers.yahoo.com/dir/?link=list&sid=396545367>

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## EXHIBIT B

The Boiling Creek

**GRAND OPENING 06/24/06**

LOUISIANA CRAWFISH · CRAB · OYSTERS · SHRIMP · CLAM



FEB  
7 2007



# EXHIBIT C



FEB  
7 2007

# EXHIBIT D



THE BOILING CRAB  
393 N CAPITOL AVE  
SAN JOSE, CA 95133  
(408)347-8344

Menu

LOUISIANA CRAWFISH ..... \$8.99/lb  
Extra: garlic butter \$.50

OYSTERS (Raw) ..... 6pieces ..... \$9.99

CRAB\*\*L.A. Cajun style/Steam\*\* ..... \$9.99/lb

SHRIMP\*\*L.A. Cajun style/Steam\*\* ..\$7.99/lb

CLAM\*\*Steam Only\*\* ..... \$7.99/lb

CORN ..... \$.50/EA

SAUSAGE ..... \$.50/EA

DRINK

SODA (Coke, 7 up, Diet Coke).....\$1.50/EA

BOTTLE WATER.....\$1.50/EA

DOMESTIC BEER ..... \$3.50/EA  
(Budweiser, Budlight, Barcadi, )

IMPORTER BEER..... \$3.50/EA  
(Heineken, Corona, Negro Modelo, Pacifico)

OPEN 7 DAYS A WEEK!

MON-FRI 3:00 PM-10:00 PM

SAT-SUN 12:00 PM-10:00 PM

## PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 years and not a party to this action. My business address is Latham & Watkins LLP, 650 Town Center Drive, 20th Floor, Costa Mesa, CA 92626-1925.

**On December 28, 2007, I served the following document described as:**

**DECLARATION OF GIANG NGUYEN IN SUPPORT OF PLAINTIFF SINHDARELLA, INC.'S MOTION FOR PRELIMINARY INJUNCTION**

by serving a true copy of the above-described document in the following manner:

**BY U.S. MAIL**

I am familiar with the office practice of Latham & Watkins LLP for collecting and processing documents for mailing with the United States Postal Service. Under that practice, documents are deposited with the Latham & Watkins LLP personnel responsible for depositing documents with the United States Postal Service; such documents are delivered to the United States Postal Service on that same day in the ordinary course of business, with postage thereon fully prepaid. I deposited in Latham & Watkins LLP' interoffice mail a sealed envelope or package containing the above-described document and addressed as set forth below in accordance with the office practice of Latham & Watkins LLP for collecting and processing documents for mailing with the United States Postal Service:

Christopher Hays, Esq.  
Law Offices of Christopher Hays  
One Embarcadero Center, Suite 500  
San Francisco, California 94111

Atorneys for Defendant  
Kevin Vu

I declare that I am employed in the office of a member of the Bar of, or permitted to practice before, this Court at whose direction the service was made and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 28, 2007, at Costa Mesa, California.

Pamela J. Carvalho